

law, arises in connection with the character of a holding company. Both the Standard Oil and the tobacco organizations contend that the power granted by the constitution to regulate interstate commerce is not an extensive one as to include regulation of the acquisition and ownership of a holding company stock in other corporations. The government argues that whenever a holding company necessarily stifles or directly or substantially restricts free competition in commerce, the United States has power to protect such commerce.

**What Is "Restraint?"**  
In the contest regarding the answer to the question of "What is restraint of trade or commerce?" the first dispute is over the interpretation of "restraint of trade" as equivalent to "the absence of free competition." The government advances the theory that restriction of competition means a restraint of trade and consequently higher prices. The corporations urge that a combination of producers may mean a reduction in expenses and consequently lower prices.

The Sherman antitrust law refers to the restraint of trade in passing on and material. One judge in passing on the tobacco case in the circuit court held that the law referred to every restraint, but not to every direct or material. It is said that this doctrine would stifle legitimate business. The defendant organizations do not insist that this is so much because they claim in their cases that no direct and material restraint of commerce exists. This claim is based on the argument that interstate commerce, as were the railroads in the Northern Securities case, but in the manufacture of goods, which may go into interstate commerce later.

**Contest Over "Monopoly."**  
The third division of the contest is over the interpretation of the word "monopolize." The Standard Oil is particularly concerned with this phase of the controversy because the lower courts have found it attempting to monopolize. Attorneys for the company advance the argument that under the law it could legally acquire the control of a business and then use it to prevent others from competing with it. They declare the Standard Oil has done nothing to prevent others from competing, and success has come to it, so they claim, because of "unfair" energy, infinite skill, abundant capital and steady management of its business. The government has piled up volume on volume to support its contention that success was achieved by unfair competition. The corporation has cases, eighteen in all, involve entirely different arguments. The corporation tax provisions of the Payne-Adams law are particularly of interest in this case, with respect to the carrying on of doing business by corporations, equivalent to 1 per cent upon the entire net income over and above \$50,000.

Each of the cases was originated in various circuit courts by persons financially interested in the outcome. The government has asked the courts to enjoin the payment of the tax by respective corporations because the tax was unconstitutional. The corporation attorneys have asked the courts to enjoin the payment of the tax by the government because the tax was unconstitutional. The corporation attorneys have asked the courts to enjoin the payment of the tax by the government because the tax was unconstitutional.

The law is opposed principally on the grounds that it attacks the sovereignty of the States in taxing interstate commerce; that it invades the right to due process of law by levying a tax on classes fixed arbitrarily; and that it is a direct tax on interstate commerce, which is prohibited by the Constitution.

**The Government's Brief.**  
The brief of the government in the tobacco case was made public tonight. It has been prepared by Attorney General McKim and his special assistant, J. C. McReynolds. Mr. McKim is supervising also the preparation of the forthcoming arguments of the government in the cases of the Standard Oil and the American Oil Company. The brief is generally believed that the theories advanced by the government will be followed in the standard cases, and it is approved by the Supreme Court, will be the law of the land for years to come.

In contrast with the subordination of the point a year ago when the tobacco case was argued before the court for the first time, the government now emphasizes its position that the Sherman antitrust law should not be interpreted as to put the status of illegality upon the basis of restraint of interstate or foreign commerce. Such a theory has been advanced before in the case of the "good trusts" as distinguished from the "bad" ones. At the same time, the government demands that the right of interstate commerce be preserved untrammelled. To this end it would allow Congress the power to strike at things which are in restraint of interstate commerce, such as monopoly of manufacture, such as the direct and necessary consequence of the regulation of interstate and foreign commerce. The latter argument is set forth more positively than in the case of the tobacco case, and is substantially in the brief rather than in the argument of the government.

The taxing argument of the government is based upon the fact that the power to regulate interstate and foreign commerce is the supreme law, unless shown to conflict with some provision of the Constitution. The government asserts that Congress has the power not only to regulate interstate and foreign commerce, but also to regulate the business of the States. It is contended that if the reasonable necessity of a thing outside of interstate or foreign commerce is shown, it is not a thing outside of interstate or foreign commerce, and it is not a thing outside of interstate or foreign commerce.

More indirect, incidental or remote effect on commerce is not sufficient to bring a thing within the scope of interstate and foreign commerce, as a natural and probable consequence will occasion material hindrance to the business of the States. The brief of the government is referred to as "the brief of the government."

This reasoning is defended as not involving the government in the exercise of power to regulate or control production or manufacture within the States. The government argues that it leaves those subjects to the States. It is only when the government is engaged in production or manufacture and necessary consequence of a thing is shown to be outside of interstate or foreign commerce, that the government is engaged in production or manufacture and necessary consequence of a thing is shown to be outside of interstate or foreign commerce.

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**"Berry's for Clothes."**



May joy bound in with the new year and sorrow fade out with the old.

May all your hopes come true and your troubles get left in the cold, and don't be a chronic doubter.

The New Year is to be the very best yet and you and I and some other hustlers are going to help, and this store is to have the most satisfactory clothing for men and boys—such as some good things for girls—that can be had in this wide, wide world.

*C. H. Berry*

prescribe. And this is but to say that the power is real, supreme.

From this point of view the government contends that the majority of the court came to an erroneous conclusion actually begins, there is time to change the decision already recorded. It should be found proper to do so.

**QUEEN HELENA FALLS**  
**Stumbles While Giving Children New Year's Kisses.**

Rome, January 1.—During the reception of a series of guests, doubtless by King Victor Emmanuel and Queen Helena at the Quirinal today, it was noticed that the Queen appeared to be suffering considerable pain. Her Majesty explained that she had had an accident. Just before midnight she was making her way to the rooms of her children to give them New Year's kisses when she stumbled on the staircase and fell, injuring her left arm.

The King rushed to the assistance of the Queen, who was found lying on the floor. She was taken to the palace hospital, where she is now recovering. The King is expected to visit her soon.

**DIES WITH OLD YEAR**  
**Wife Greets Husband's Corpse With "Happy New Year."**

Pittsburgh, Pa., January 1.—Awakened by bells ringing in the new year, Mrs. Louis Altmyer called a "Happy New Year" to her husband, whom she saw tumbled in the dark, as if standing in the doorway between their bed-room and kitchen, at the last moment of the old year. She found him lying on the floor, and when she saw that he was dead, she said to herself, "Happy New Year to you, dear." She then called the police and the coroner.

**FIRE DESTROYS CHURCH**  
**Congregation Files Out With No Semblance of Panic.**

Manchester, N. H., January 1.—In the midst of the morning service at the Methodist Episcopal Church today, a fire broke out that practically destroyed the structure, but the congregation that crowded the building fled out in safety without the slightest sign of a panic. Rev. L. L. Colby, the pastor, was delivering his sermon when volumes of smoke poured up through the registers and the crackle of flames was heard. The pastor calmly gathered up the notes of his sermon and dismissed the congregation. Hardly had the last person fled out when the flames burst up through the floors. The structure was ruined. The loss is estimated at \$25,000, on which there is insurance of \$10,000.

**JEWELRY FOR CHURCH FUND**  
**How to Convert Gems Into Cash Problem for Pastor.**

Montclair, N. J., January 1.—The Rev. Harace Porter, formerly pastor of the Methodist Episcopal Church in New York City, is now in charge of the First Congregational Church in Riverside, Cal., recently having accepted the position. He is faced with the problem of converting the jewelry donated for the church fund into cash. He is consulting with the local jeweler about the best way to do this.

**INJURIES PROVE FATAL**  
**Man Killed by Falling from Scaffold.**

Alexandria, Va., January 1.—F. E. Smith, a bricklayer, who was injured Wednesday by falling through a trestle in Alexandria county, died this morning. He was twenty-three years old and unmarried. His body will be shipped to Charlottesville tomorrow.

**START '11 RIGHT**  
**If you have had bad bowels and liver last year—you don't have this. CASCARETS will make your bowels and liver act right, and keep them so. Many a sick, tired head and body comes from bad bowels.**

**CANNON TO OMIT RECEPTION**  
**Illness of Daughter Compels Speaker to Abandon Annual Affair.**

Washington, January 1.—Speaker Cannon's New Year's reception, an affair which has been annually observed in his Washington home since his election as presiding officer of the House, has been abandoned because of the illness of his daughter, Miss Helen Cannon.

**McGraw-Yarbrough Co.**  
**Plumbers' Supplies**

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Out-of-town orders shipped quickly.

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**Mineral Spring Water**

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**THE BEST FLAVORING EXTRACTS**

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**Wish you and yours**

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**And many thanks for making 1910 the most prosperous of all.**

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of the Montclair congregation, who is a wholesale jeweler, made a contribution to the building fund in the shape of a number of articles from his stock in trade. This started the rolling, and other jewelers made like gifts. The result is that the center has received about \$300 in gems, which have taken on somewhat of the character of a white elephant.

**MAY CHANGE PLANS**  
**Department Listens to Protests of Turbine Engine Builders.**

Washington, January 1.—After having accepted the proposal of the Newport News Dry Dock and Shipbuilding Company for the construction of the new battleship engines, the Navy department has been obliged to reconsider its decision as to the motive power for the new battleships. The department is now listening to the protests of the turbine engine builders, who declare that the electric motor is a more efficient power for the new battleships than the steam engine. The department is now considering the matter and may change its plans.

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Rome, January 1.—During the reception of a series of guests, doubtless by King Victor Emmanuel and Queen Helena at the Quirinal today, it was noticed that the Queen appeared to be suffering considerable pain. Her Majesty explained that she had had an accident. Just before midnight she was making her way to the rooms of her children to give them New Year's kisses when she stumbled on the staircase and fell, injuring her left arm.

**KILLED BY CYANIDE**  
**But Who Administered Poison Still Is a Mystery.**

Cumberland, Md., January 1.—That Miss Grace Elloser and her fiancé, Charles E. Twigg, died of cyanide poisoning, was established today by chemical analysis of the stomachs of the dead girl and man. The mystery of the deaths of the two, whose bodies were found by the mother of the girl, is still unsolved. The police are working on the theory that the man who was to have married the girl, had administered the poison.

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tion by the Boston authorities the First Reader of the church, who was one of the deposed practitioners, resigned his office. The three discredited practitioners resigned all their official positions in the church last the church held responsible for their views.

**KEEN SUPPORT FOR STETSON THEORY**  
**Mrs. Fennell Backs Belief in Resurrection of Mrs. Eddy.**

**SCOLD'S BOSTON BOARD**  
**Charges Its Methods Are Barring Many True Adherents of Christian Science.**

New York, January 1.—The persons who believe in the resurrection of Mary Baker Eddy, founder of Christian Science, were today in Mount Auburn Cemetery, Massachusetts, rallying around Mrs. Augusta E. Stetson, excommunicated Christian Scientist, who first promulgated that startling theory. The fact that believers in this theory are flocking to Mrs. Stetson is indicated yesterday when Mrs. Hettie E. Fennell, of Wilmington, N. C., appeared as a warm adherent of the resurrection belief, giving out a statement concerning the structure of the great church of Christ, Scientist, in Wilmington, which she called a true Christian Science congregation and the fate that it met at the hands of the board of directors of the Mother Church in Boston.

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the members of the church next received a communication from the C. S. Publishing Society, stating the intention of the society to hold a convention in August exhibit a condition of affairs that is foreign to Christian Science. The organization, having been taken out of the Christian Science movement, it becomes necessary for the protection of the public and the cause of the church to drop it from the list of Christian Science churches, and this has been done by the order of the Christian Science board of directors.

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Rockefeller listens to Eulogy of Laird of Skillo.

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**OBITUARY**  
**Mrs. Clara Taylor Freeman.**

Mrs. Clara Taylor Freeman, widow of John H. Freeman, one of the most prominent men in Sussex county in his day, died at his home in Charlotte, N. C., on Sunday, January 1, 1911, at the age of eighty-two. She was born in 1829 and was the daughter of John H. Freeman and Mary H. Freeman. She was married to John H. Freeman in 1848 and they had four children. She was a member of the Methodist Church and was very active in its work. She was also a member of the Ladies' Aid Society and the Epworth League. She was a very kind and generous person and was loved by all who knew her. Her funeral will be held at the Methodist Church in Charlotte on Tuesday, January 3, at 11 o'clock.

**CHILDREN CRY FOR FLETCHER'S CASTORIA**  
**Notice to Physicians**

Just received a supply of that wonderful drug "Fletcher's Castoria" at a special price. Write for a sample. TARRANT, GRANT & CO., Publishers and Broad.

**LEFT OVER FROM XMAS STOCK**

Are many desirable articles that you will find to be bargains and excellent for New Year gifts. These pieces of Furniture and other goods are rich and beautiful.

**Sydner & Hundley**  
**(Incorporated), Everything in Furniture, 709-11-13 East Broad Street.**

**W. Fred Richardson, FUNERAL DIRECTOR AND EMBALMER.**  
**Main and Belvidere Streets. 'Phones, Madison 543, day; Monroe 542, night.**

**Eczema Cured**  
**Dear Sir: In January last I wrote you regarding Eczema. You said you would cure me or refund the money. Well, you can keep your money. I am cured. I have been cured of Eczema for 25 years. Yours respectfully, C. H. WILLIAMS, Huntington, W. Va., Jan. 1, 1910.**

**POLK MILLER'S The Rexall Store**  
**Richmond, Va.**

**Farmer's Business**  
**We give particular attention to the business of farmers. We cordially invite them to make this bank their banking house. We have prepared a comprehensive booklet, "Banking by Mail," which we will be glad to send you. Every inquiry will be met for the most satisfactory action of business.**

**PLANTERS NATIONAL BANK**  
**Capital, Surplus & Profits, \$1,500,000. Write for booklet, "Banking by Mail."**

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